

### **REMARKS**

Claims 1-21 are now pending in the application. Claims 1, 9 and 16 are amended herein. Support for the amendments appears in Paragraphs 15-18 and 48 and in FIG. 4. No new matter has been entered. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Applicants traverse the rejection of Claims 1-5, 8-13, 16-18, and 21 under 35 U.S.C. § 103 as being anticipated by Tang (U.S. Patent No. 5,811,905) in view of Takeuchi et al. (U.S. Patent No. 5,583,387) and Oki (JP Pat. No. 411289701A). Applicants have submitted herewith an English translation of Oki.

With respect to independent claims 1, 9, and 16, Tang does not show, teach or suggest a switched reluctance machine with a segmented stator. Tang also does not show, teach or suggest a stator having a slot fill that is greater than 65%. Takeuchi et al does not show, teach or suggest a switched reluctance machine. Oki does not show, teach or suggest a stator having a slot fill that is greater than 65%. Oki also does not expressly address switched reluctance machines.

With respect to dependent claims 8 and 21, neither Takeuchi et al. nor Oki show, teach or suggest a sensorless drive circuit that energizes the winding wire around the stator segment assemblies based on a rotational position of the rotor.

In rejecting the claims, the Examiner incorrectly relies on **In re Fine**, 5 U.S.P.Q.2d, 1596 (CAFC 1988) and **In re Jones**, 21 USPQ.2d 1941 (Fed. Cir. 1992).

**Final Office Action at p.7.** For the Examiner's convenience, Applicants have provided copies of In re Fine and In re Jones. The facts and the holdings of these cases do not support the Examiner's conclusion under §103.

In both cases, the CAFC reversed the Board and the Examiner based upon the Examiner's unsupported reliance upon the general knowledge of one skilled in the art. As was done in this case, the Examiners in both In re Fine and In re Jones combined features of two references in the same broad category of art and relied upon the general knowledge of one skilled in the art in making the combination. As was done in this case, the Examiners in In re Fine and In re Jones did not support the combinations by identifying specific teachings, suggestions or motivations found in the references.

To reach a proper conclusion under §103, the Examiner must step back in time and into the shoes of the person of ordinary skill in the art when the invention was unknown and just before it was made. In re Fine at 1598. In light of all of the evidence, the Examiner must determine whether the claimed invention would have been obvious at that time to that person. Id.

As recognized in Tang and in Applicants Background of the Invention, switched reluctance machines require rotor position information for control. There are two approaches that are commonly used. The sensed approach uses a sensor that physically senses the rotor position. The sensed approach typically renders the switched reluctance machines too costly to compete with other types of machines. The increased cost has been a significant factor preventing the widespread use of switched reluctance machines.

To reduce costs, various sensorless approaches have been attempted. The sensorless approaches estimate rotor position from sensed machine characteristics such as back-EMF. Tang teaches that accurately estimating rotor position based on back-EMF is difficult due to the relatively low back-EMF signals.

As will be demonstrated below, none of the references suggest a solution to this problem. In particular, none of the references teaches the specific solution set forth in claims 1, 9 and 16. In fact, the problems that are addressed by each of the three references are mutually exclusive. Therefore, there is no teaching, suggestion or motivation in these references to support the combination of these references.

More particularly, Tang teaches a switched reluctance machine that includes a non-segmented stator with low slot fills using needle winding or transfer winding methods. Tang recognizes that the increased costs of employing rotor position transducers (RPTs) makes switched reluctance machines uncompetitive with respect to open loop induction machines. **(Tang, Col. 1, lines 46-52)**. Tang also recognizes that implementing the "sensorless" rotor position approach in switched reluctance machines is difficult due to the low back-EMFs induced in the un-energized phase windings. **(Tang, Col. 1, lines 52-60)**.

Tang does not discuss either torque density or space saving as potential problems in switched reluctance machine applications. Tang also does not provide any discussion that would lead a skilled artisan to segment the stator or to seek art that includes a segmented stator. Tang also fails to identify the variable electromagnetic characteristics of conventionally-wound windings as a problem.

To supplement the teachings of Tang, the Examiner relies upon Takeuchi et al., which teaches a permanent magnet machine with a segmented stator. **(Takeuchi et al. Col. 1, lines 14-17)**. The problems that are addressed by Takeuchi et al., however, are different than those encountered by Tang. In particular, Takeuchi et al. segmented the stator of a permanent magnet machine to improve the torque density and to save space at the ends of the windings. **(Takeuchi et al. Col. 1, lines 19-24)**. The problems that are addressed by Takeuchi et al. (specifically low-back EMFs and the high cost of RPTs) do not relate to the problems encountered by Tang (torque density and saving space).

The Tang and Takeuchi et al. references do not discuss common problems that might motivate a skilled artisan to combine the references. In other words, these references are directed towards solving distinctly different, mutually-exclusive problems. Furthermore, the properties of and control approach for permanent magnet motors is significantly different than the properties of and control approach for switched reluctance machines. Based on the foregoing, there is no teaching, suggestion or motivation to combine Tang with Takeuchi et al.

The Examiner further relies upon Oki. Oki does not expressly address switched reluctance machines at all. Oki does not discuss sensorless control or problems that are associated with sensorless control. Oki is directed to the problem of poor electromagnetic performance of a reluctance machine due to the conventional caulking and welding of the stator plates. Oki states:

Accordingly, due to the fact that the stator is divided for each electrode unit, it is possible to readily carry out the coil-winding operation for each layered core, so as to enhance the efficiency of producing reluctance motors.

**[Problems to be solved by the Invention]** However, since the above-described prior art stator had electrodes formed by the layering of thin copper sheets, it was necessary to caulk and weld the tip parts of the electrodes, so that the electrodes would not become misaligned. There was thus the resulting drawback that the electromagnetic performance was affected at the caulking and welding sites, which lowered the performance of the reluctance motors.

**Oki translation at pp. 3-4.** Therefore, the caulking and welding was used to prevent misalignment of the layered stator plates in prior reluctance machines. Oki improved the electromagnetic performance of the electric machine by eliminating the caulking and welding.

Oki disclosed a complex winding tension technique that eliminated the caulking and welding and improved the electromagnetic efficiency of the reluctance machine. The Oki winding technique reduces the number of winding turns on the outer circumference side as compared to the inner circumference side. Clearly, the improved electromagnetic characteristics are a result of the elimination of the welding and caulking – not segmenting the stator.

According to Oki, the stator of the reluctance machine is segmented to improve manufacturing efficiency. **Id.** Oki also does not increase the slot fill above levels that can be obtained through conventional methods. In particular, the slot fill of the segmented stator in Oki is approximately 62%, which is approximately in the range of conventional transfer winding (approximately 60-65% slot fill). **Declaration of Dr. Wallace at Paragraphs 3-4.** Therefore, Oki did not segment the stator to improve the torque density either.

The prior art fails to provide the requisite teaching, suggestion or motivation that is required under §103 and by the CAFC in both In re Fine and In re

Jones, upon which the Examiner relies. In fact, the unsupported reliance on the general knowledge of one skilled in the art that was made by the Examiner here is exactly the type of conclusion that supported the reversal of the Board and the Examiner by the CAFC in both In re Fine and In re Jones.

In supporting the combination, the Examiner states that the references "are well in the field of electric machines." Final Office Action at paragraph 7. The Examiner goes on to state:

In response to applicant's arguments that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining and modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ.2d 1941 (Fed. Cir. 1992). In this case, the references deal with electric machines, especially motors and improvements of such machines.

Final Office Action at paragraph 8 (Emphasis added). In summary, the only teaching, suggestion, or motivation that is relied upon by the Examiner is simply that the references all relate to electric machines.

The Examiner's reasoning is exactly the type of speculation that formed the basis for reversal of the Examiner and the Board in In re Jones:

Conspicuously missing from this record is any evidence, other than the PTO's speculation (if it be called evidence) that one of ordinary skill in the herbicidal art would have been motivated to make the modifications of the prior art salts necessary to arrive at the claimed 2-(2'-aminoethoxy) ethanol salt... We conclude that the PTO did not establish a prima facie case of obviousness.

In re Fine also rejected this reasoning. The prior art reference related to a similar device – namely gas chromatographs. Id. The prior art chromatograph detected sulfur while Applicants' chromatograph detected nitrogen. Id.

Both In re Fine and In re Jones reject the proposition that the teaching, suggestion or motivation required by §103 is present simply because the references all relate to the same broad category of art or that unsupported general knowledge of one skilled in the art can be relied upon. The Examiner is essentially asserting that it would be obvious for skilled artisans to try the features of one device in another similar device. The CAFC expressly rejected the "obvious to try theory" in In re Fine at 1598.

The sole motivation for making the proposed combination is provided by Applicants' specification, which is impermissible hindsight reconstruction. As succinctly stated by the CAFC:

But this court has said, "To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." W. L. Gore , 721 F.2d at 1553, 220 USPQ at 312-13. It is essential that "the decisionmaker forget what he or she has been taught at trial about the claimed invention and cast the mind back to the time the invention was made . . . to occupy the mind of one skilled in the art who is presented only with the references, and who is normally guided by the then-accepted wisdom in the art." Id. One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

In re Fine at 1600.

There are also particular advantages of Applicants' construction that are unique to switched reluctance machines. Sensorless control of brushless permanent

magnet machines and induction machines currently do not operate properly if the iron core is heavily saturated with magnetic flux. **Dr. Wallace Declaration at Paragraph 5.** Switched reluctance machines, on the other hand, are frequently operated with levels of magnetic flux in their iron cores that exceed the levels used in other types of electric machines. **Id. at Paragraph 6.** Sensorless control systems for switched reluctance machines do operate properly if the iron core is heavily saturated with magnetic flux. **Id.**

By segmenting the stator and increasing slot fill of the switched reluctance machine, the diameter of the winding wire can be increased using the same number of turns. **Id. at Paragraph 7.** The increased diameter of the winding wire allows increased current to be driven through the windings, which increases torque output. **Id. at Paragraph 8.** The increased current levels also increase magnetic loading and magnetic saturation. **Id. at Paragraph 9.** Therefore, the benefits of a segmented stator in combination with a high slot fill are unique to switched reluctance machines with sensorless drive circuits (such as those claimed in dependent claims 8 and 21).

Based on the foregoing, Applicants believe that Claims 1, 9 and 16 are in condition for allowance. The remaining claims are either directly or indirectly dependent upon independent claim 1, 9 and 16 and are allowable for the same reasons.

### **CONCLUSION**

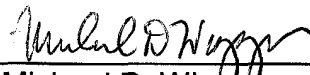
It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office



Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1211.

Respectfully submitted,

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## ATTACHMENT FOR CLAIM AMENDMENTS

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

1. (Twice Amended) A switched reluctance machine comprising:

a stator including a plurality of circumferentially-spaced stator segment assemblies with a stator segment core and winding wire wound around said stator segment core that has a slot fill that is greater than 65%;

a rotor defining a plurality of rotor poles, wherein said rotor tends to rotate relative to said stator to maximize the inductance of an energized winding; and

a drive circuit that energizes said winding wire around said stator segment assemblies to control operation of said switched reluctance machine based on a rotational position of said rotor.

9. (Twice Amended) In a switched reluctance machine that includes a stator, a rotor and a machine housing, an improved stator comprising:

a plurality of circumferentially-spaced stator segment assemblies that are arranged around an inner surface of said machine housing of said switched reluctance machine,

each of said stator segment assemblies defining a salient stator pole that extends in a radially inward direction, wherein inter-polar stator slots are defined between adjacent stator segment assemblies, and

said stator segment assemblies including a stator segment core and winding wire that is wound around said stator segment core and that has a slot fill that is greater than 65%.

16. (Twice Amended) A switched reluctance machine comprising:

a machine housing;

a rotor that rotates relative to said machine housing of said switched reluctance machine; and

a stator that is mounted on an inner surface of said machine housing, said stator including a plurality of circumferentially-spaced stator segment assemblies, wherein said stator segment assemblies include a stack of stator plates forming a stator segment core and winding wire that is wound around said stator segment core and that has a slot fill that is greater than 65%,

wherein each of said stator plates has a generally "T"-shaped cross-section, a radially outer rim section, and a tooth section that extends radially inwardly from a center portion of said radially outer rim section.